

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SKILSTAF, INC., on behalf of itself and all others similarly situated,

Plaintiff,

v.

CVS CAREMARK CORP.; LONGS DRUG STORE CORPORATION; THE KROGER CO.; NEW ALBERTSON'S, INC.; RITE AID CORPORATION; SAFEWAY, INC.; SUPERVALU, INC.; WALGREEN CO.; and WAL-MART STORES, INC.,

Defendants.

Case No: CV 09 2514 SI

**[PROPOSED] ORDER REGARDING RESPONSE TO COMPLAINT AND REQUEST FOR ORDER CHANGING TIME**

HONORABLE SUSAN ILLSTON

COMPLAINT FILED: JUNE 5, 2009

Having reviewed the Joint Stipulation Regarding Response to Complaint and Request for Order Changing Time between Defendants CVS Caremark Corp. (“CVS Caremark”), Longs Drug Store Corporation (“Longs”) Supervalu, Inc. (“SuperValu”), New Albertson’s, Inc. (“New Albertson’s”), Safeway, Inc. (“Safeway”), Wal-Mart Stores, Inc. (“Wal-Mart”), Walgreen Co. (“Walgreens”), The Kroger Co. (“Kroger”), Rite Aid Corporation (“Rite Aid”) (collectively “Defendants”) and Plaintiff Skilstaf, Inc (“Plaintiff”) and good cause appearing therefore, it is hereby ordered as follows:

1. CVS Caremark, Longs, SuperValu, New Albertson’s, Safeway, Wal-Mart, Walgreens, and Kroger shall have up to and including September 11, 2009 to respond to the Complaint. Rite Aid has already filed a motion to dismiss the complaint.

2. CVS Caremark, Longs, SuperValu, New Albertson’s, Safeway, Wal-Mart, Walgreens, and Kroger will file a joint responsive pleading directed to those issues that some or all of the Defendants have in common (“the Joint Responsive Pleading”). Any memorandum of points and authorities in support of the Joint Responsive Pleading shall not exceed 40 pages in length, exclusive of any caption, table of contents, table of authorities, signatures and supporting documents.

3. To the extent that any individual Defendant except Rite Aid wishes to raise issues in response to the Complaint that are not addressed in the Joint Responsive Pleading, that Defendant may file an individual supplemental responsive pleading (“Supplemental Responsive Pleading”). Any memorandum of points and authorities in support of a Supplemental Responsive Pleading shall not exceed 10 pages in length, exclusive of any caption, table of contents, table of authorities, signatures and supporting documents. The Supplemental Responsive Pleading of two or more Defendants may be combined into a Joint Supplemental Responsive Pleading (“Joint Supplemental Responsive Pleading”) not to exceed 20 pages in length exclusive of any caption, table of contents, table of authorities, signatures and supporting documents.

4. Plaintiff shall file its oppositions to all Defendants’ responsive pleadings on or before November 13, 2009. Any memorandum of points and authorities in opposition

1 to the Joint Responsive Pleading shall not exceed 40 pages in length, exclusive of any  
2 caption, table of contents, table of authorities, signatures and supporting documents. Any  
3 memorandum of points and authorities in opposition to a Supplemental Responsive  
4 Pleading shall not exceed 10 pages in length, exclusive of any caption, table of contents,  
5 table of authorities, signatures and supporting documents. If two or more Defendants file  
6 a Joint Supplemental Responsive Pleading, the opposition shall not exceed 20 pages in  
7 length exclusive of any caption, table of contents, table of authorities, signatures and  
8 supporting documents.

9       5. Defendants shall file any reply in support of the responsive pleadings on or  
10 before December 18, 2009. Any reply memorandum of points and authorities in support  
11 of the Joint Responsive Pleading shall not exceed 20 pages in length, exclusive of any  
12 caption, table of contents, table of authorities, signatures and supporting documents. Any  
13 reply memorandum of points and authorities in support of a Supplemental Responsive  
14 Pleading shall not exceed 7 pages in length, exclusive of any caption, table of contents,  
15 table of authorities, signatures and supporting documents. If two or more Defendants file  
16 a Joint Supplemental Responsive Pleading, the reply shall not exceed 14 pages in length  
17 exclusive of any caption, table of contents, table of authorities, signatures and supporting  
18 documents.

19       6. The standard page limits will apply to the opposition and reply to Rite  
20 Aid's motion to dismiss.

21       7. The hearing date on all responsive motions shall be held on Jan 15, 2010.

22       8. The dates set in the Order Setting Initial Case Management Conference and  
23 ADR Deadlines dated June 5, 2009 are vacated. A status conference will be held  
24 concurrent with the hearing on Defendants' motions in response to the complaint at  
25 which time counsel for the parties and the Court shall discuss the setting of new dates for  
26 the Initial Case Management Conference and other deadlines, including the last day to  
27 meet and confer pursuant to Rule 26(f), the date to file any Rule 26(f) report, the date to  
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1 complete initial disclosures or state objections in the Rule 26(f) report, and the date to file  
2 a Case Management Statement.

3 IT IS SO ORDERED.

4 Dated: August 6, 2009



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